



U.S. Department of Justice

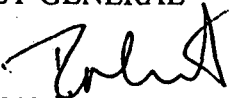
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 31, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben   
Assistant Attorney General

SUBJECT: Weekly Report for January 24, 2000 - January 31, 2000

KEY ISSUES

- Elian Gonzalez. Staff from the Office of Legislative Affairs distributed the Government's brief in the Gonzalez hearing to Hill leadership offices. We are putting together a smaller packet of key materials for offices that do not want the entire brief. In addition, staff from OLA, OLC and INS are working on a views letter in the event Congress decides to move legislation to make Elian a citizen. The House and Senate have both slowed down their consideration of such a bill. Over the weekend Chairman Hyde said the bill would not move in the House Judiciary Committee until the Federal court proceedings are finished. (First)
- Small Business Liability. The House Judiciary Committee will continue the markup of H.R. 2366, the Small Business Liability Reform Act. This bill would preempt State tort law as it applies to nearly every civil action involving a small business defendant, defined as any business (regardless of net worth) with fewer than 25 employees. It would raise the standard for awarding punitive damages, cap punitive damages at a maximum of \$250,000, and preclude joint and several liability for non-economic damages. The Department sent a letter opposing the bill and we are now in the process of seeking approval for your veto threat of this legislation in anticipation of quick floor action. (Wilson)
- Takings. The House Judiciary's Subcommittee on the Constitution (Canady, Chair), has scheduled a markup of H.R. 2372, the "Private Property Rights Implementation Act for February 2<sup>nd</sup>". The Office of Legislative Affairs sent a memorandum to you on January 12<sup>th</sup> requesting that you recommend the President issue a veto on the Senate version (S. 1028) of this bill. (Pearlman)

## THE WEEK AHEAD

The Commission on the Advancement of Federal Law Enforcement. On February 1<sup>st</sup>, the Commission (set up pursuant to the Anti-terrorism Act of 1996) will release its report at an event on Capitol Hill.

The Senate Judiciary Committee's Subcommittee on Criminal Justice Oversight will conduct a hearing on February 3<sup>rd</sup>, to hear from the members of the Commission about the report (Graupensperger)

Cyberspace Electronic Security Act, CESA. On February 3<sup>rd</sup>, staff from the Office of Legislative Affairs will attend a briefing conducted by the FBI for Senator Feinstein's Judiciary Committee staff regarding encryption legislation. (Daley)

H.R. 809, Federal Protective Services Reform Act. Staff from the Office of Legislative Affairs, Criminal Division and the FBI are scheduled to meet with Representative Traficant's Chief of Staff this week to discuss the Department's concerns with this legislation. (Daley)

Bankruptcy. The Senate adopted a few amendments this week to S. 625, the Bankruptcy Reform legislation, and will continue to work toward a final vote this week. Two controversial Democratic amendments to limit debtor protection for abortion protestors and gun manufacturers are expected to come up early this week. (Wilson)

Asbestos Compensation Legislation. The House Judiciary Committee is expected to mark up Asbestos Compensation legislation early in February. The Department of Justice sent a letter last session during a hearing on the legislation. Our letter did not indicate a position, but did highlight some concerns we had with the legislation, as then drafted. Work has continued both on the Hill to craft language and within the Administration to develop a position on this legislation. (Wilson)

Statute of Repose Legislation. It is expected that H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act of 1999, will go to the floor early this week. This bill would adopt a national 18-year statute of repose for "durable goods," which includes any product used by business, trade, or government that is expected to last more than three years. H.R. 2005 would, in most cases, bar the courtroom doors to any person or business seeking to recover for personal injury or property damage caused by a defective durable good, if that product is more than 18 years old. We strongly oppose this bill. We do not believe that a federally enacted bar to all lawsuits is the solution. The bill would cut off legitimate suits as well as frivolous ones, and would preempt state tort law, an area of policy-making traditionally left to the States. (Wilson)

ADA and the Internet. On February 9<sup>th</sup>, the Constitution Subcommittee (Canady, Chair) of the House Judiciary Committee will hold a hearing on how people with disabilities have access to the Internet. On January 24<sup>th</sup>, staff from OLA and the Civil Rights Division met with staff for Ranking Minority Member Watt in preparation for the hearing. (Scott-Finan)

Immigration. The Senate Judiciary's Immigration Subcommittee (Abraham, Chair) hearing on the Northern Border has been postponed. No new date has been scheduled. Michael Pearson, head of INS Field Operations had been scheduled to testify.

The House Judiciary's Immigration and Claims Subcommittee (Smith, Chair) has announced a hearing on the Visa Waiver Pilot Program for February 10<sup>th</sup>. INS and the Department have been invited to testify. (First)

Victims' Rights Amendment. The House Judiciary's Subcommittee on the Constitution (Canady, Chair) has scheduled a hearing on H.J. Res. 64, the House version of a Victims' Rights Amendment to the Constitution for February 10<sup>th</sup>. The Department will not be asked to provide a witness at this hearing. Staff from the Office of Legislative Affairs and various components will meet with the Staffs of Chairman Canady and Ranking Member Watt in the next week, in preparation for the hearing. We have conferred with U.S. Attorney Pflaumer, at her request, on briefing staff on this issue. (Pearlman).

Police Integrity. The Department's Working Group continues to meet in planning sessions for the follow-up meeting to the June conference on "racial profiling/data collection" to be held on February 17<sup>th</sup>. (Scott-Finan)

Nominations. Staff from the Office of Legislative Affairs and Office of Policy Development continue to meet on judicial nominations. (Scott-Finan)

#### THE WEEK IN REVIEW

Unlawful Conduct on the Internet. On January 28<sup>th</sup>, staff from the Office of Legislative Affairs and the Criminal Division met with House Commerce Committee staff to discuss technical questions related to unlawful conduct on the Internet. (Owen)

H.R. 3125, Internet Gambling Prohibition Act. On January 28<sup>th</sup>, staff from the Office of Legislative Affairs and Criminal Division met with House Judiciary staff from Representatives Conyers at the request of the White House to discuss the full Committee markup of this legislation. In addition, at the request of the House Subcommittee on Crime, the staff from OLA and Criminal Division will meet on February 1<sup>st</sup> also to discuss markup of this bill. (Daley)

Worst Case Scenario. On January 28<sup>th</sup>, staff from the Office of Legislative Affairs and the Office of the Deputy Attorney General briefed Senator Lautenberg's Environment and Public Works staff on the status of the site security survey to be conducted pursuant to P.L. 106-40, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. (Daley)